

# ***2005 Annual Use of Force Report***

***Final***

***8\_21\_06***

**Austin Police Department**

**August 2006**

## Executive Summary

In 2005, the Austin Police Department responded to 354,065 dispatched calls for service, 183,201 traffic stops, and 12,961 pedestrian stops. In all these situations, officers had to use force<sup>1</sup> only 1,225 times or in less than 0.2% of all contacts. Most use of force events occur during an arrest when subjects are more likely to use aggressive resistance against officers. In 2005, there were 993 subjects involved in a use of force event, and 52,053 arrests. Only 2.4% of all arrests in 2005 resulted in a use of force report compared to 2.5% for the previous year.

### *The key findings from the 2005 use of force report:*

- **In 2005, APD has experienced a decrease in the Department's use of Tasers and an increase in other types of force.** The policy governing the use of duty weapons (General Order A303) was formally amended in March of 2005 to identify the special situations when a Taser should not be used. This clarification of policy may have contributed to the decrease in Taser use in 2005.
- **The Use of Force rate (which is defined as the number of subjects involved in a use of force incident per 1,000 arrests) has dropped 4.5% since 2004 and 10.5% since 2003.** In 2005, the use of force rate was 19.1 per 1000, a decrease from the 2004 rate (20.0 use of force incidents per 1,000 arrests).
- **The majority of officers reporting use of force were not injured (82.9).**
- **Reports of officer serious injury** (those which require hospitalization or intensive medical treatment) **decreased from 3 in 2004 to 1 in 2005.**
- **Serious injuries to subjects increased from 3 in 2004 to 8 in 2005.** Serious injuries are those that require hospitalization or intensive medical treatment. These include two shootings and three instances of serious abrasions and cuts from struggles with officers as well as three self-inflicted injuries during attempted suicides.
- **Minor injuries to subjects decreased 8.5% from 2004 to 2005. There were 377 reports of minor injury in 2004 compared to 345 in 2005.**

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<sup>1</sup> Force is defined as any physical action that causes apparent injury, or causes a person to complain of pain or injury.

## Background

A police officer's duty is to protect the life and property of residents, tourists, and other visitors to Austin. It is the policy of this Department that officers shall only use the minimum level of force that is reasonably necessary to bring an incident under control while protecting the lives of the officer or another. The amount of force used will be that amount of force that is essential for the officer to attain the objective.

When an officer uses force, APD General Orders require that the event be documented by a Use of Force Report Form with a description of the type of force used (i.e., hands, impact weapon, chemical weapon, Taser, less lethal munitions, handgun, etc.). The Department voluntarily started collecting use of force information in late October 1998 in order to better understand the conditions under which officers were using force, and to guide one-on-one interactions between the officer and his or her supervisor regarding use of force issues. The Department also utilizes the use of force data to make improvements to training and policy when necessary.

In December of 2004, a committee was formed to re-evaluate and strengthen APD's policy concerning the use of Tasers. The policy governing the use of duty weapons (General Order A303) was formally amended in March of 2005 to identify the special situations when a Taser should not be used. APD's use of force policy is evaluated on an on-going basis to take into account subject and officer safety.

## Reports by Type of Force and Arrests

In describing the officer's use of force, the data must be presented in the context of the situations in which they occur. Most use of force events occur during an arrest, as subjects often use aggressive resistance against arresting officers. **In 2005, only 2.4% of all arrests resulted in a use of force report.**

The frequency of the use of force by officers should also be analyzed as a rate per 1,000 arrests. In 2005, there were 993 subjects involved in a use of force event, and 52,053 arrests. This provides a rate of 19.1 use of force events per 1,000 arrests, a slight decrease from 2004 when the rate was 20.0 per 1,000 arrests. The chart on page 4 provides the use of force rates for 2004 and 2005 broken down by race.

## Use of Force by Race

	White			Black			Hispanic		
	Custody Arrests	Force Used	Use of Force Rate per 1,000 Arrests	Custody Arrests	Force Used	Use of Force Rate per 1,000 Arrests	Custody Arrests	Force Used	Use of Force Rate per 1,000 Arrests
2005	21,308	355	16.7	11,937	288	24.1	18,445	314	17.0
2004	18,445	321	17.4	11,511	260	22.6	18,407	345	18.7
Percent Change	15.5%	10.6%	-4.3%	3.7%	10.8%	6.8%	0.2%	-9.0%	-9.0%

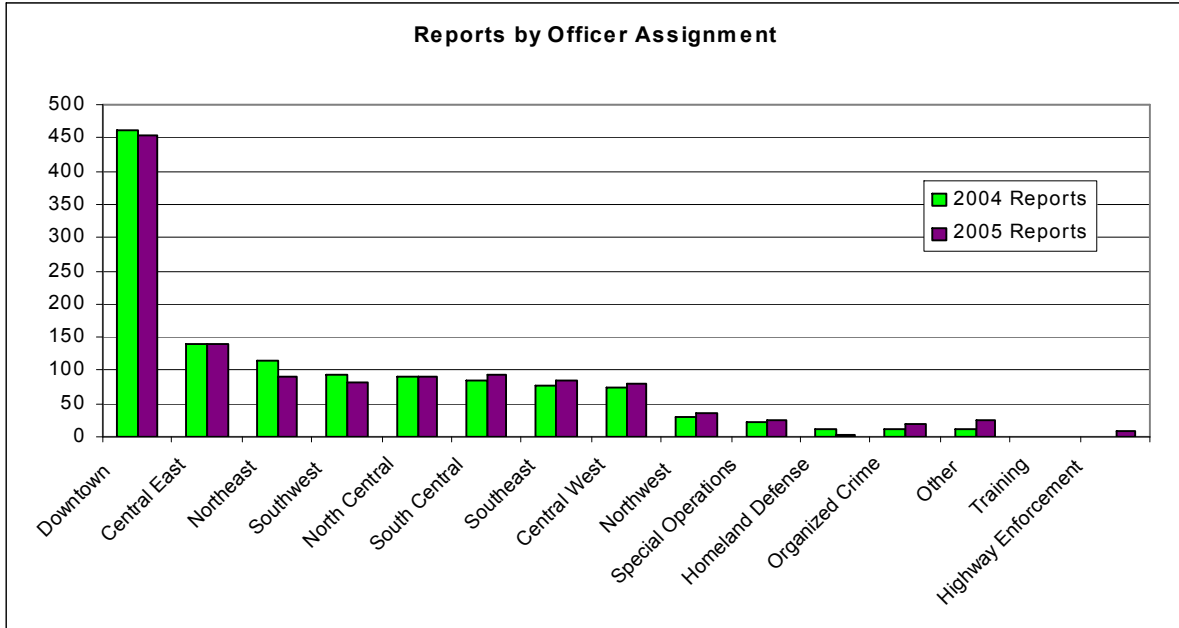
	Other*			Total		
	Custody Arrests	Force Used	Use of Force Rate per 1,000 Arrests	Custody Arrests	Force Used	Use of Force Rate per 1,000 Arrests
2005	363	35	96.4	52,053	993	19.1
2004	439	48	109.3	48,802	974	20
Percent Change	-17.3%	-27.1%	-11.8%	6.7%	2.0%	-4.5%

\*Other = Asian/Filipino, Other and Unknown.

**Compared to the use of force rate per 1000 arrests in 2004, the rates in 2005 have decreased for Whites and Hispanics.** The use of force rate in 2005 for white subjects was 16.7 per 1,000 arrests and 17.0 per 1,000 arrests for Hispanic subjects, while the rate for black subjects was 24.1 per 1,000 arrests. The number of reports of use reports decreased by 34 for white subjects and 31 for Hispanic subjects; use of force reports for black subjects increased by 28 reports.

## Reports by Area Command Assignments

The Downtown Area Command saw a decrease in use of force reports from 2004 (462) to 2005 (454). As in 2004, over one-third of use of force reports (37.1%) occurred in the Downtown area command. This percentage is significantly higher than other area commands because the Downtown entertainment area experiences large influxes of people during weekends and special events where alcohol consumption by citizens becomes a factor.



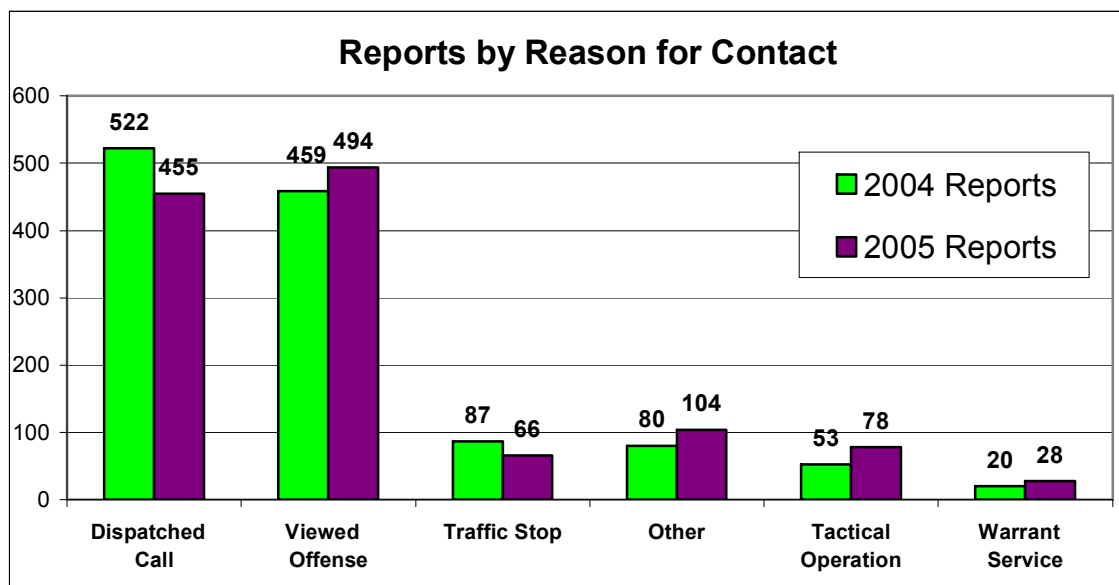
Assignment	2004 Reports	Percent of 2004 Reports	2005 Reports	Percent of 2005 Reports	Percent Change
D/T Area Command	462	37.8%	454	37.1%	-1.7%
Central East Command	140	11.5%	138	11.3%	-1.4%
Northeast Command	114	9.3%	91	7.4%	-20.2%
Southwest Command	92	7.5%	82	6.7%	-10.9%
N/Central Command	90	7.4%	89	7.3%	-1.1%
S/Central Command	84	6.9%	94	7.7%	11.9%
Southeast Command	77	6.3%	86	7.0%	11.7%
Central West Command	75	6.1%	78	6.4%	4.0%
Northwest Command	29	2.4%	35	2.9%	20.7%
Special Operations	22	1.8%	24	2.0%	9.1%
Homeland Defense	12	1.0%	2	0.2%	-83.3%
Organized Crime Division	11	0.9%	18	1.5%	63.6%
Other	11	0.9%	26	2.1%	136.4%
Training	1	0.1%	0	0.0%	-100.0%
Highway Enforcement	1	0.1%	8	0.7%	700.0%
<b>Total</b>	<b>1221</b>	<b>100.0%</b>	<b>1225</b>	<b>100.0%</b>	<b>0.3%</b>

Other findings include:

- The Northeast and Southwest Area Commands decreased by 20.2% and 10.9% respectively in 2005.
- Use reported by Highway Enforcement increased from 1 report in 2004 to 8 reports in 2005. In March 2005, a second DWI Unit became operational which increased our enforcement activity.
- The Downtown Area Command makes up over a third (37.1%) of all use of force reports.

## Reports by Reason for Contact

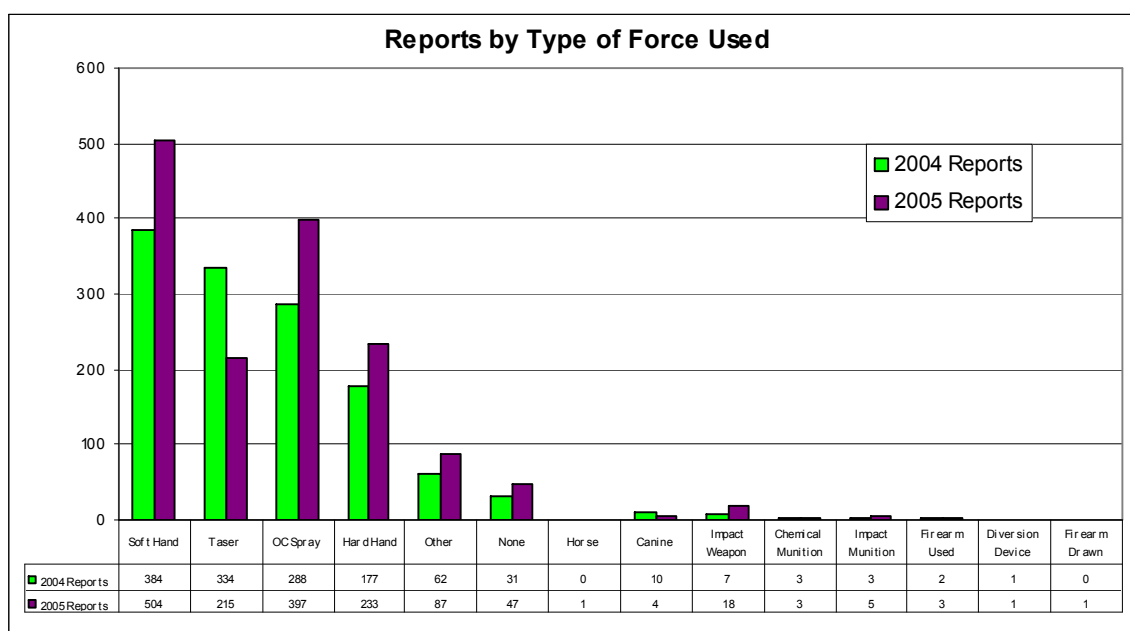
In 2005, the majority of use of force incidents occurred as the result of a viewed offense, followed closely by dispatched calls. When an officer witnesses an offense occurring during his/her shift, this event is considered a viewed offense. In the incidents where a viewed offense or a dispatched call (officer responds to a call for service) requires the officer to use force to make the arrest, the arresting officer will file a use of force report to document that the use of force occurred, and the level of resistance demonstrated by the subject.



Reason for Contact	2004 Reports	Percent of 2004 Reports	2005 Reports	Percent of 2005 Reports	Percent Change
Dispatched Call	522	42.8%	455	37.1%	-12.8%
Viewed Offense	459	37.6%	494	40.3%	7.6%
Traffic Stop	87	7.1%	66	5.4%	-24.1%
Other	80	6.6%	104	8.5%	30.0%
Tactical Operation	53	4.3%	78	6.4%	47.2%
Warrant Service	20	1.6%	28	2.3%	40.0%
<b>Total</b>	<b>1221</b>	<b>100.0%</b>	<b>1225</b>	<b>100.0%</b>	<b>0.3%</b>

## Reports by Type of Force Used

During an incident in which force is used, more than one officer may have to use force or an officer may have to use more than one type of force. As a result a single incident may require more than one use of force report and each report can include multiple types of force used. Thus, the total types of force used will be more than the total number of reports filed. In 2005, there were 1,518 types of force used in a total of 1,225 reports filed. In 2004, there were 1,302 types of force used in a total of 1,221 reports. The chart below captures all of the types of force that may be used by an officer depending upon the level of resistance demonstrated by a subject and the frequency with which they were used in 2004 and 2005.



- Canine—use of dog in arrest situation where bite occurs.
- Chemical Munitions— it is an extended range chemical weapon. This is the 37 mm launcher carried by the SWAT and SRT units that deploy irritant gases.
- Diversion Device—refers to the flash bangs used by SWAT, which emit a loud noise in addition to a bright light explosion.
- Firearm Drawn—in compliance with the Penal Code section 9.04 Threat as Justifiable Force.
- Firearm Used—firearm is fired with the intent to stop a threat of serious bodily injury or death.

- Hard-Hand Control—techniques such as hand and leg strikes.
- Impact Munitions—extended-range impact weapon such as the shotgun that fires a bean-bag round.
- Impact Weapon—any weapon or object that is used to strike, such as a nightstick.
- None—subject complained of pain but no force was used during the incident.
- OC Spray—chemical weapon known as "pepper spray."
- Other—verbal commands or any other action that cannot be categorized in any specific use of force category.
- Soft-Hand Control—techniques that have minimal probability of injury such as joint locks, pressure points and escort holds.
- Taser—a less-lethal device employing electronic muscular disruption technology.

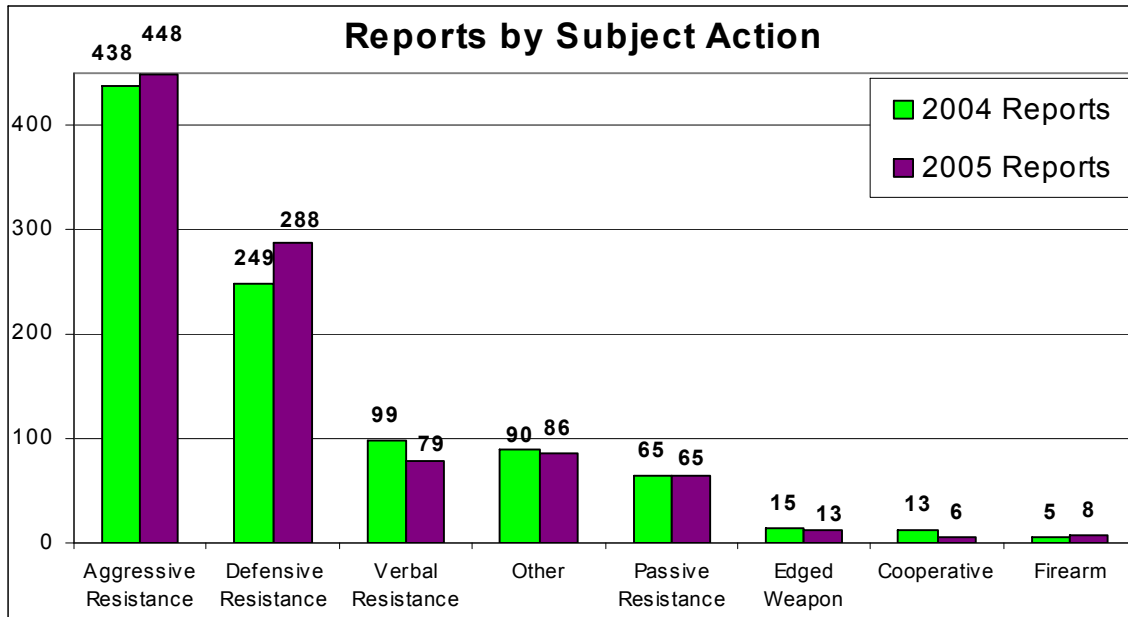
*In 2005 Taser and Canine use decreased while all other uses of force increased.* In 2005, Tasers were used 215 times compared to 334 times in 2004, a 35.7% decrease. APD has also seen a corresponding 31.3% increase in the use of soft-hand control (increase from 384 times to 504 times) and a 31.6% increase in hard-hand control (increase from 177 to 233 times) by officers from 2004 to 2005.

While the number of use of force reports has remained relatively stable from 2004 to 2005, (1221 reports filed in 2004 as compared to 1225 reports in 2005), the frequency of the types of force used by officers has increased by 16.5% (216). Officers used multiple types of force, primarily soft hand control and OC Spray. This is an indication that officers are using the minimum level of force that is necessary to gain control of the situation and safely meet the level of resistance demonstrated by the subject.



## Reports by Subject Actions

The most frequent subject action was aggressive resistance (45%). Below is a list of the subject actions with definitions of each:



- Aggressive Resistance—physical actions of assault such as strikes, kicks, punches, etc.
- Defensive Resistance—physical actions such as pulling or pushing away which attempt to prevent officer's control.
- Verbal Resistance—verbal statements indicating unwillingness to cooperate or threats.
- Other—any other resistance or action used by the subject to hinder arrest, any action that might be harmful to a person other than the officer or any action that might be harmful to the individual themselves.
- Passive Resistance—physical actions that do not represent aggressive or defensive resistance such as body going limp or dead weight.
- Edged Weapon—use or attempted use of a weapon such as a knife.
- Cooperative—no attempts at any type of resistance or use of any weapons. Use of force reports were generated because subjects complained of pain and/or injury while in custody.

- Firearm—use or attempted use of a firearm.

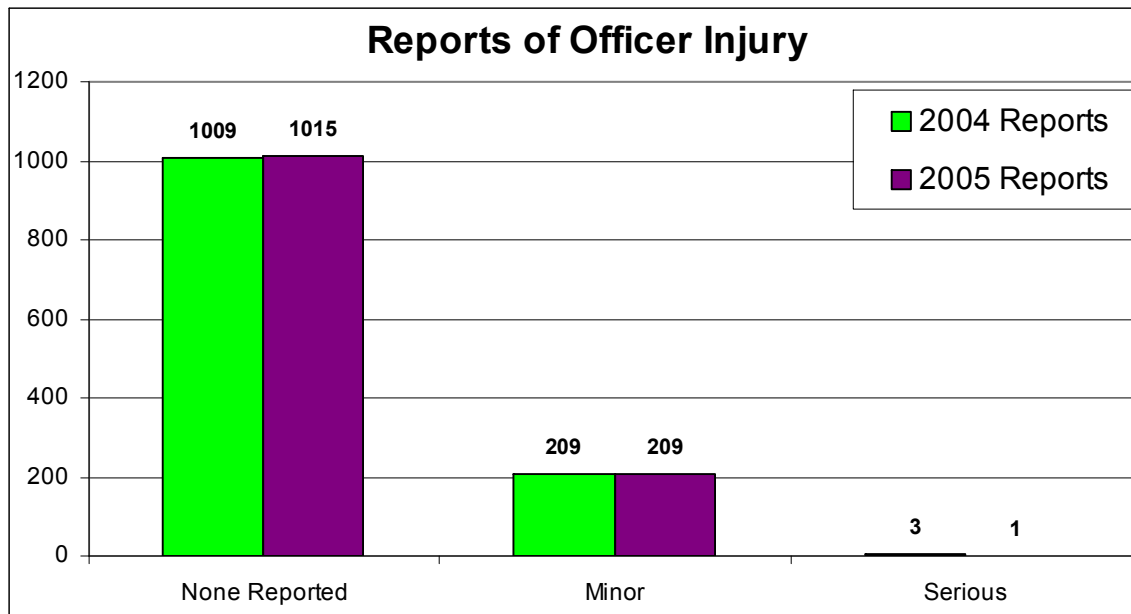
Aggressive resistance and defensive resistance comprise almost 75% of all subject actions reported and increased by 2.3% and 15.7% respectively. Subjects' use of firearms increased from 5 times in 2004 to 8 times in 2005.

In six cases, the subject was listed as cooperative. In many of these cases, the subject was often either fighting with another person and sustained injuries but complained of pain after he/she was handcuffed or complained about the handcuffs after they were arrested. This complaint of pain was beyond the initial discomfort associated with the handcuffing process. In both of these situations, the officer is required to complete a Use of Force report.

<b>Subject Action</b>	<b>2004 Reports</b>	<b>Percent of 2004 Reports</b>	<b>2005 Reports</b>	<b>Percent of 2005 Reports</b>	<b>Percent Change</b>
Aggressive Resistance	438	45.0%	448	45.1%	2.3%
Defensive Resistance	249	25.6%	288	29.0%	15.7%
Verbal Resistance	99	10.2%	79	8.0%	-20.2%
Other	90	9.2%	86	8.7%	-4.4%
Passive Resistance	65	6.7%	65	6.5%	0.0%
Edged Weapon	15	1.5%	13	1.3%	-13.3%
Cooperative	13	1.3%	6	0.6%	-53.8%
Firearm	5	0.5%	8	0.8%	60.0%
<b>Total</b>	<b>974</b>	<b>100.0%</b>	<b>993</b>	<b>100.0%</b>	<b>2.0%</b>

## Reports by Officer Injury

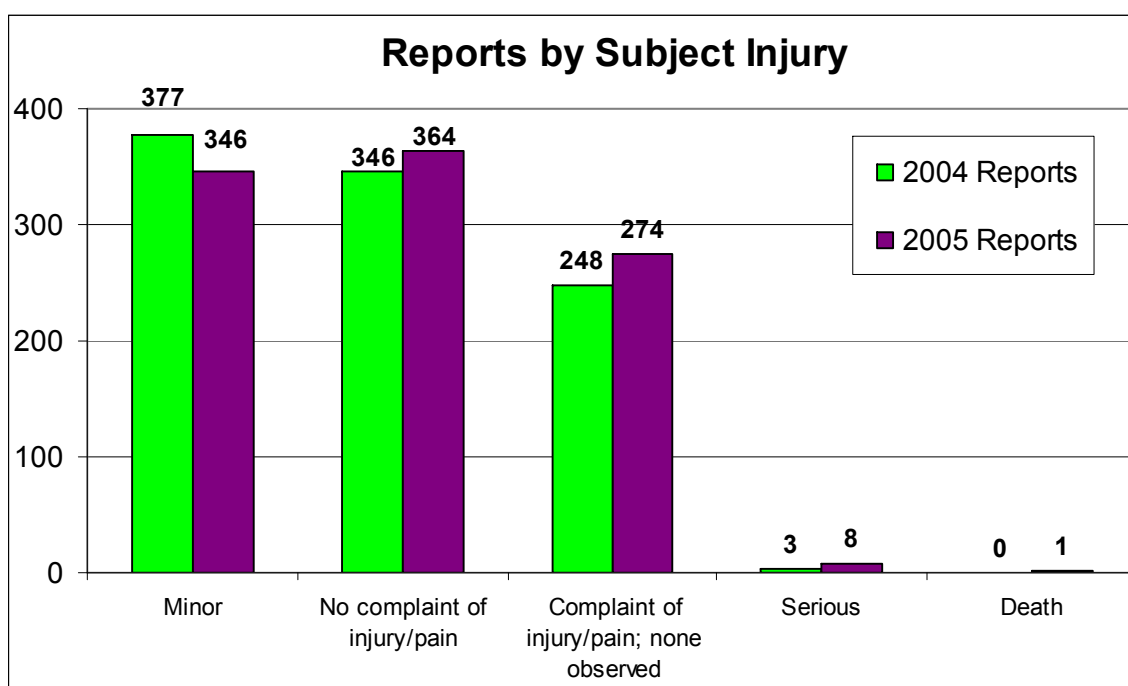
The majority of officers reporting use of force in 2005 were not injured (82.9%). Overall, all injuries incurred by officers remained relatively stable from 2004 (82.6%). **Reports of serious officer injury, which require hospitalization or intensive medical treatment decreased from 3 in 2004 to 1 in 2005.**



Type of Injury	2004 Reports	Percent of 2004 Reports	2005 Reports	Percent of 2005 Reports	Percent Change
None Reported	1009	82.6%	1015	82.9%	0.6%
Minor	209	17.1%	209	17.1%	0.0%
Serious	3	0.2%	1	0.1%	-66.7%
<b>Total</b>	<b>1221</b>	<b>100.0%</b>	<b>1225</b>	<b>100.0%</b>	<b>0.3%</b>

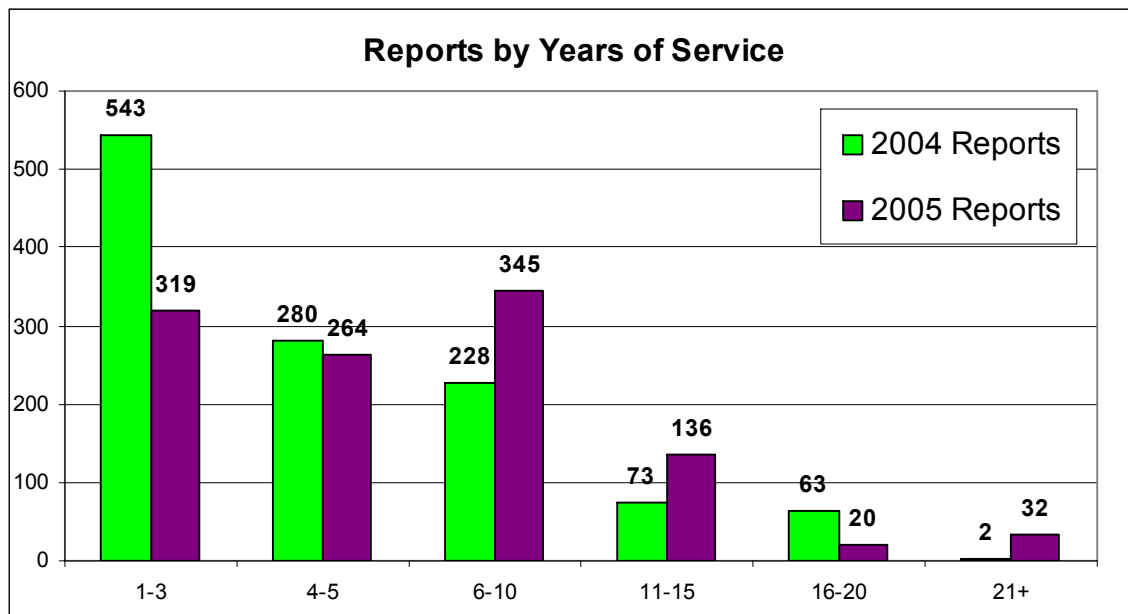
## Reports by Subject Injury

No complaint of injury or pain (36.7%) represented the largest proportion of injury reports for 2005, slightly up from 2004. In addition, minor injuries had an 8.5% decrease from 377 in 2004 to 346 in 2005. Although serious injuries increased from three in 2004 to eight in 2005, this is still significantly lower than the eighteen reported in 2003. Serious injuries are those that require hospitalization or intensive medical treatment.



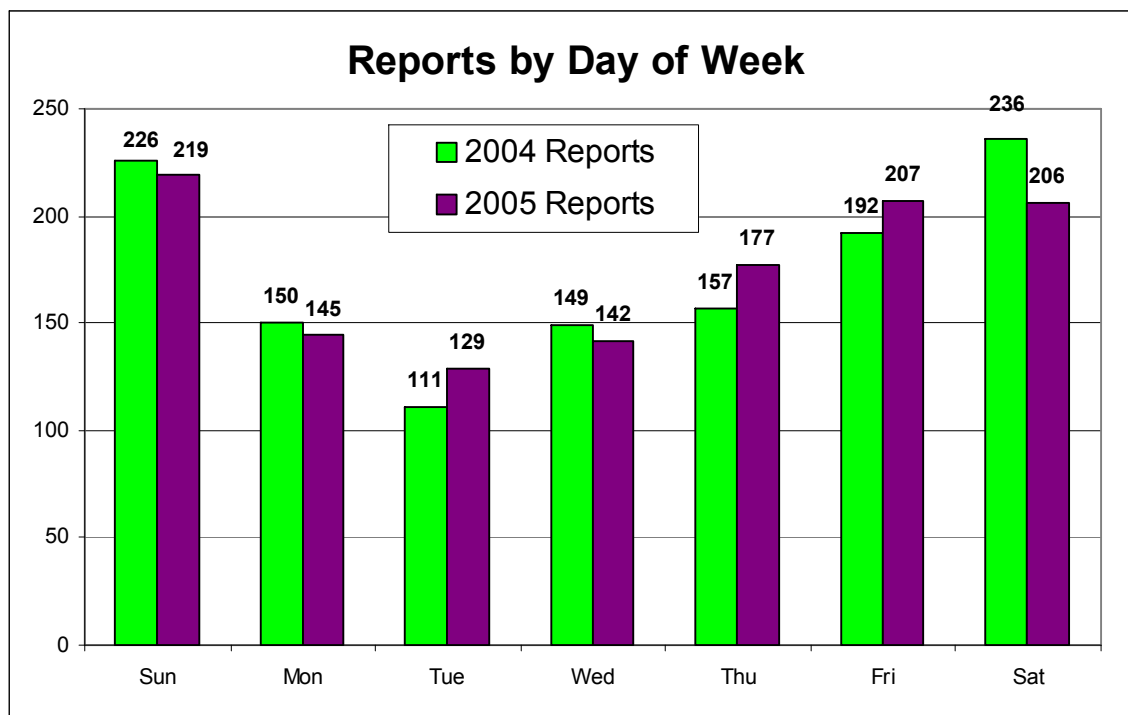
Type of Injury	2004 Reports	Percent of 2004 Reports	2005 Reports	Percent of 2005 Reports	Percent Change
Minor	377	38.7%	346	34.8%	-8.2%
No complaint of injury/pain	346	35.5%	364	36.7%	5.2%
Complaint of injury/pain; none observed	248	25.5%	274	27.6%	10.5%
Serious	3	0.3%	8	0.8%	166.7%
Death	0	0.0%	1	0.1%	0.0%
<b>Total</b>	<b>974</b>	<b>100.0%</b>	<b>993</b>	<b>100.0%</b>	<b>2.0%</b>

## Reports by Officers Years of Service



The average years of service for officers filing use of force reports was seven years. This is not similar to the finding in the 2004 report, when the average years of service was five. The majority (52.3%) of all reports were submitted by officers with five or fewer years of service. Officers with 6-10 years of service have the most numerous use of force reports. These officers are generally assigned to Patrol, which serves as the first responder to calls. Patrol officers also make the majority of arrests. The range of years of service for officers reporting use of force was less than one year to 28 years.

## Reports by Day of the Week

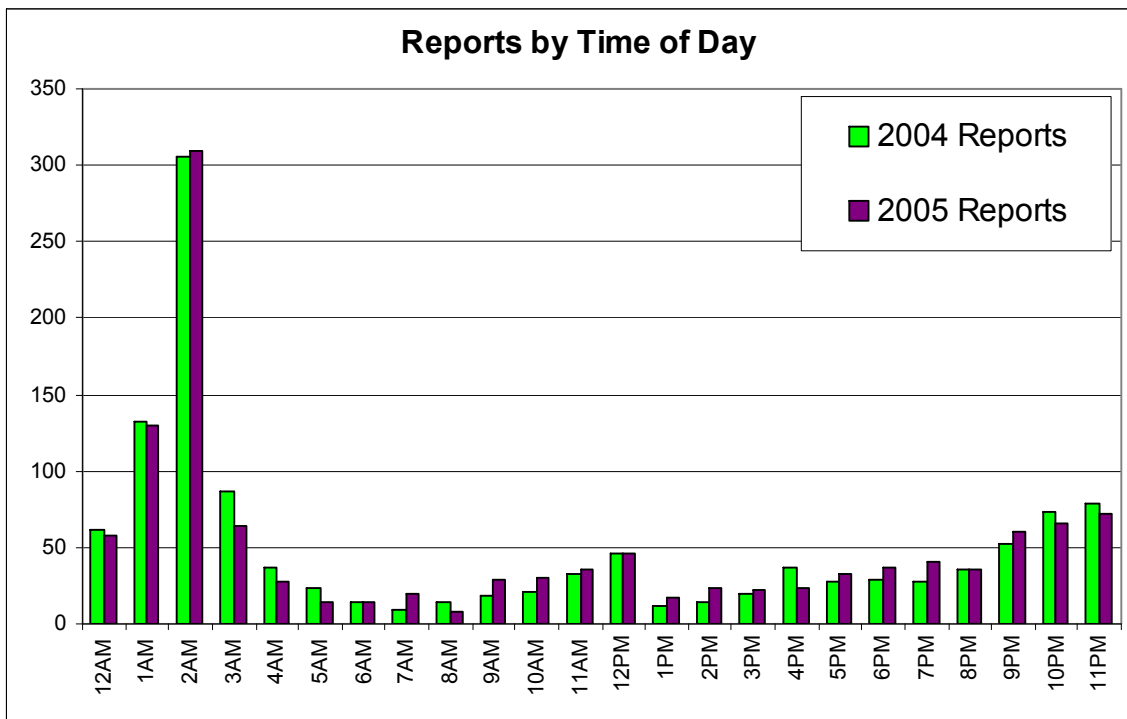


The reports for 2005 indicate the lowest frequency of reports for Tuesday, similar to previous years. The greatest frequency of use of force reports occurred on the weekend days of Friday, Saturday and Sunday (52%), as was seen in the 2004 report.

Day of Week	2004 Reports	Percent of 2004 Reports	2005 Reports	Percent of 2005 Reports
Sun	226	18.5%	219	17.9%
Mon	150	12.3%	145	11.8%
Tue	111	9.1%	129	10.5%
Wed	149	12.2%	142	11.6%
Thu	157	12.9%	177	14.4%
Fri	192	15.7%	207	16.9%
Sat	236	19.3%	206	16.8%
<b>Total</b>	<b>1221</b>	<b>100.0%</b>	<b>1225</b>	<b>100.0%</b>

## Reports by Time of Day

Incidents involving use of force most commonly occurred between the hours of 10 P.M. and 3 A.M., with 57.1% of all reports occurring during these hours. The time in which the majority of incidents occurred remained the same from the 2004 report. Most of the reports that occur during the 2:00 hour are from the Downtown area command (DTAC). 235 (76%) of the 310 reports were in DTAC.



## **In-Custody Deaths**

In 2005, the department had two in-custody deaths. The cases involved the use of force and were reported to the Texas Attorney General's Office.

Case #05-1602072:

On June 09, 2005, street response officers stopped a vehicle believed to be involved in a narcotics investigation. A violent struggle with two officers ensued after one of the occupants tried to flee. During the course of the struggle, the suspect was shot one time and died at the scene. A Travis County Grand Jury no billed the officer involved in the shooting. The officer was later indefinitely suspended by the Austin Police Department.

Case #05-2690925:

On September 26, 2005, a subject was taken into police custody after being involved in a disturbance with a female acquaintance in the roadway. The subject began to exhibit increasingly bizarre behavior and resisted attempts at being handcuffed. During the course of an extended violent struggle with multiple officers, the subject was pepper sprayed and tased. The subject was taken into custody and died a short while later while being treated by EMS. The Travis County Medical Examiner's office ruled the death as accidental/massive intravascular sickling due to PCP/Cocaine-induced excited delirium. A Travis County Grand Jury reviewed the incident and no billed all officers.

## **Conclusion**

In protecting the life and property of the residents of Austin, the Department's use of force policy ensures that officers use the minimum level of force that is necessary to bring an incident under control. The Department's primary consideration is citizen and officer safety.